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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



B5

DATE: JUN 18 2012 OFFICE: NEBRASKA SERVICE CENTER



IN RE:



PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability pursuant to section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center (Director). It is now on appeal before the Chief, Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The petitioner seeks to permanently employ the beneficiary in the United States as a market research analyst and to classify her as an advanced degree professional pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). On July 27, 2010, the Director denied the petition on the ground that the beneficiary does not have either a bachelor's degree or a master's degree in marketing, as required by the ETA Form 9089 (labor certification) to qualify for the proffered position.

A timely appeal, Form I-290B, was filed on August 30, 2010. On the appeal form the petitioner asserted that "the beneficiary is more than qualified to perform the proffered position and would be beneficial to the company." The petitioner stated that a brief and additional documentation would be submitted in 30 days. No such materials were submitted within 30 days or any time thereafter. Nor did the petitioner make any written request to the AAO for additional time to file a brief directly with the AAO, in accordance with the regulations at 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii). Nearly two years after the appeal was filed the AAO has received nothing further from the petitioner.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

In this case the petitioner has identified neither any erroneous conclusion of law, nor any erroneous factual findings, in the Director's decision. The petitioner has not provided any additional evidence to be considered on appeal. In accordance with 8 C.F.R. § 103.3(a)(1)(v), therefore, the appeal must be summarily dismissed.

**ORDER:** The appeal is dismissed.